

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**SUMMIT FINANCIAL RESOURCES
L.P.,**

Plaintiff,

v.

**BIG DOG ENTERPRISES LOGISTICS,
LLC, d/b/a FREIGHT HAULING
LOGISTICS, DAVID HURSEY, THE
HURSEY GROUP, LLC, AND
PEERLESS-PREMIER APPLIANCE
CO.,**

Defendants.

**PEERLESS PREMIER APPLIANCE
CO.,**

Counterclaim/Interpleader Plaintiff,

v.

**SUMMIT FINANCIAL RESOURCES
L.P.,**

Counterclaim/Interpleader Defendant.

**PEERLESS PREMIER APPLIANCE
CO.,**

Cross-claim/Interpleader Plaintiff,

v.

**BIG DOG ENTERPRISES LOGISTICS,
LLC, d/b/a FREIGHT HAULING
LOGISTICS, DAVID HURSEY, THE
HURSEY GROUP, LLC,**

And

**BUSKE LOGISTICS, CSX
INTERMODAL, INC., ESTES EXPRESS**

Case No. 3:07-CV-00187-MJR-CJP

LINES, FED EX FREIGHT-EAST,)
LANDSTAR RANGER, OVERNIGHT)
TRANSPORT-UPS FREIGHT,)
SCHNEIDER NATIONAL CARRIERS,)
WERNER ENTERPRISES, and)
YELLOW TRANSPORTATION, INC.,)
)
Cross-Claim/Interpleader Defendants.)

MEMORANDUM AND ORDER

REAGAN, District Judge

On January 25, 2008, counterclaim/interpleader Plaintiff Peerless-Premier Appliance Co. and cross-claim/interpleader Defendant Werner Enterprises filed a stipulation that Peerless-Premier's cause of action against Werner be dismissed with prejudice (Doc. 188).

FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(i) provides that a plaintiff may voluntarily dismiss an action "by filing a stipulation of dismissal signed by all parties who have appeared in the action." However, because the stipulation was only signed by John Baroni, counsel for Peerless-Premier, and Steven Hughes, counsel for Werner, the Court set a deadline for other parties to object to the voluntary dismissal (Doc. 190).

As the deadline to file objections has passed, and no party has filed a response to the stipulation for dismissal, the Court hereby **DISMISSES with prejudice** Peerless-Premier's cause of action against Werner Enterprises, the parties to bear their respective costs.

IT IS SO ORDERED.

DATED this 11th day of February 2008.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge